



Control Number: 51874



Item Number: 2

Addendum StartPage: 0

**DOCKET NO. 51874**

**COMPLAINT OF DGSP2, LLC  
AGAINST THE ELECTRIC  
RELIABILITY COUNCIL OF TEXAS,  
INC.**

§  
§  
§  
§

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

2021 MAR -9 AM 10:35

FILED

**ORDER NO. 1**

**DENYING MOTION FOR GOOD CAUSE WAIVER AND ABATING THE CASE**

This Order addresses the March 8, 2021 complaint of DGSP2, LLC against the Electric Reliability Council of Texas, Inc. (ERCOT) alleging that ERCOT violated the ERCOT Nodal Protocols and asking that the Commission order ERCOT to re-compute settlement data and clearing prices for February 15 and 16, 2021, and resettle markets based on the re-computed prices.

DGSP2 filed this matter under 16 Texas Administrative Code (TAC) § 25.251. Under 16 TAC § 22.251(c), a complainant generally must first utilize section 20 or 21 of the ERCOT Nodal Protocols or other Applicable ERCOT Procedures (the ERCOT ADR procedures) before presenting a complaint to the Commission. DGSP2 acknowledges that it did not first utilize the ERCOT ADR procedures before presenting its complaint to the Commission, and asks for a waiver of the requirement to do so. Such a waiver may be granted under 16 TAC § 22.251(c)(2), if the Commission finds good cause for the waiver.

DGSP2 asserts that good cause exists because its complaint raises an urgent matter of great magnitude. The complaint concerns alleged pricing errors that occurred during the winter storm event in February 2021. According to DGSP2, the circumstances giving rise to its complaint “are far from normal,” the Commission should address the issue to minimize the risk of “conflicting findings or unintended effects,” resolution of the issue will provide clarity to the market, and there is a need for prompt action by the Commission.

The administrative law judge (ALJ) concludes that DGSP2 has failed to establish good cause for the waiver it seeks. The request for a waiver is denied. Accordingly, consistent with 16 TAC § 22.251(c), this matter is abated until DGSP2 utilizes the ERCOT ADR procedures. Consistent with 16 TAC § 22.251(d), within 35 days after completion of the ERCOT ADR process, DGSP2 must file a status report in this docket.

**Signed at Austin, Texas the 9th day of March 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
\_\_\_\_\_  
**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**

q \cadm\docket management\electric\ercot dockets\51874\51874-1 abating docx